

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

AUGUST 1997 SESSION

**FILED**

September 18, 1997

Cecil W. Crowson  
Appellate Court Clerk

**GLEN D. ALCORN**

Appellant

**VS.**

**STATE OF TENNESSEE**

Appellee

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C.C.A. NO. 01

**DAVIDSON COUNTY**

**Hon. J. Randal Wyatt, Jr., Judge**

(Post-Conviction)

01-9610-CR-00453

**FOR THE APPELLANT:**

**GLEN D. ALCORN, PRO SE**  
Lake County Regional Correctional Facility  
RR-1, Box 330  
Tiptonville, Tennessee 38019

**FOR THE APPELLEE:**

**JOHN KNOX WALKUP**  
Attorney General and Reporter

**CLINTON J. MORGAN**  
Assistant Attorney General  
450 James Robertson Parkway  
Nashville, Tennessee 37243-0493

**OPINION FILED:** \_\_\_\_\_

**AFFIRMED**

**JOE H. WALKER, III**  
Sp. JUDGE

## OPINION

The petitioner, Glen D. Alcorn, appeals the order of the Circuit Court of Davidson County summarily dismissing his petition for post-conviction relief. He is presently serving aggregate sentences of sixty years for six counts of aggravated sexual battery. He was convicted in December, 1987; the Court of Criminal Appeals affirmed the convictions in June, 1989; and the Tennessee Supreme Court denied application for permission to appeal on September 25, 1989. See State v. Glen D. Alcorn, No. 88-195-111 (Tenn.Crim.App., Nashville, September 25, 1989).

The post-conviction court entered an order in June, 1996, dismissing the petition, and finding that petitioner had filed a petition for post-conviction relief which was denied June 4, 1991. That petition was affirmed in May, 1992, and the Tennessee Supreme Court denied application for permission to appeal August 24, 1992. See Glen D. Alcorn v. State, No. 01C01-9111-CR-00331 (Tenn.Crim.App., Nashville, May 20, 1992).

The post-conviction court found that the present petition filed April 18, 1996, is time-barred. This court agrees. Tenn. Code Ann. Sec. 40-30-202 (Supp. 1996).

In addition, petitioner filed a previous petition for post-conviction relief, which was denied after a full evidentiary hearing, and which this Court affirmed on May 20, 1992. Glen D. Alcorn v. State, No. 01C01-9111-CR-00331.

Petitioner's current post-conviction petition raises the ground that the jury instruction on reasonable doubt at his original trial included the phrase "moral certainty". This issue has been resolved against the petitioner's contention. State v. Nichols, 877 S.W.2d 722, 734 (Tenn. 1994). Pettyjohn v. State, 885 S.W.2d 364, 365 (Tenn.Crim.App. 1994);

The judgment of the trial court is affirmed.

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JOE H. WALKER, III  
Sp. JUDGE

CONCUR:

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JOE G. RILEY, JUDGE

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J. CURWOOD WHITT, JR., JUDGE